

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN R. FOUTS,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.

25-CV-5295 (LTS)

TRANSFER ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who resides in Louisville, Kentucky,¹ brings this *pro se* action invoking the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. He seeks injunctive and other relief in connection with records requests that he made on behalf of himself and his minor son. (ECF 1 at 1.) Plaintiff alleges that the Executive Office for United States Attorneys (“EOUSA”), in Washington, D.C., “failed to comply with FOIA’s deadlines and improperly withheld all records under a blanket exemption without . . . demonstrating that all reasonably segregable portions had been released.” (*Id.*)

For the following reasons, this action is transferred to the United States District Court for the District of Columbia.

DISCUSSION

A claim under FOIA may be brought “in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District

¹ The Kalispell, Montana address listed for Plaintiff on the docket in this case is taken from his motion for permission for electronic case filing. That address belongs to a company that provides virtual office space; it is not Plaintiff’s residence. Although he does not provide a residential address for himself, Plaintiff states in the complaint that he resides in Louisville, Kentucky. (*See* ECF 3 at 2.)

of Columbia.” 5 U.S.C. § 552(a)(4)(B). For venue purposes, an individual resides in the district where the person is “domiciled.” 28 U.S.C. § 1391(c)(1).

The Court concludes that venue for Plaintiff’s FOIA claims is proper in the District of Columbia. Plaintiff alleges that EOUSA, which is located in Washington D.C., rendered the final agency decision denying his FOIA request. Moreover, the District of Columbia is a proper venue for any FOIA action. Because Plaintiff does not reside in this district, or have his principal place of business here, venue is not proper in this court.

The Court therefore transfers Plaintiff’s FOIA claims to the United States District Court for the District of Columbia. 28 U.S.C. § 1406.²

CONCLUSION

The Clerk of Court is directed to transfer this action to the United States District Court for the District of Columbia. Any pending matters will be determined by the transferee court. A summons shall not issue from this Court. This order closes this case.

² This Court recently transferred another case Plaintiff filed in this district. *See Fouts v. United States*, No. 25-CV-5274 (LTS) (S.D.N.Y. June 27, 2025) (transferring complaint asserting civil rights and RICO claims to the United States District Court for the Western District of Kentucky). In addition, the Public Access to Court Electronic Records (“PACER”) shows that Plaintiff has filed cases in the Northern District of California and the District of Columbia, and that those courts transferred Plaintiff’s cases to the Western District of Kentucky, which subsequently dismissed them. *See Fouts v. Jefferson Cnty. Pub. Schs.*, No. 25-CV-0884 (D.D.C. Apr. 11, 2025), *transferred to the Western District of Kentucky and opened as Fouts v. Jefferson Cnty. Pub. Schs.*, No. 3:25-CV-0204 (W.D. Ky. May 28, 2025) (dismissing action for Plaintiff’s failure to comply with court orders); *Fouts v. Commonwealth of Kentucky*, No. 3:24-CV-9325 (N.D. Cal. Jan. 15, 2025), *transferred to the Western District of Kentucky and opened as Fouts v. Commonwealth of Kentucky*, No. 3:25-CV-0033 (W.D. Ky. Apr. 10, 2025) (dismissing action for Plaintiff’s failure to comply with court orders).

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: July 8, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge